

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

UNITED STATES DISTRICT COURT

DISTRICT OF WYOMING

2020 DEC 8 PM 4:16
MARGARET BOTKINS, CLERK
CHEYENNE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTHONY JEFFREY BROCHU,

Defendant.

CRIMINAL COMPLAINT

Case Number:

20MJ97-F

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

On or about October 29, 2020, in the District of Wyoming, the Defendant, **ANTHONY JEFFREY BROCHU**, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, namely, a Tisas pistol bearing serial number T0620-15D00541, and the firearm was in and affecting commerce.

In violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

I further state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms & Explosives and that this complaint is based on the following facts:

(See attached Sworn Statement)

Continued on the attached sheet and made a part hereof.



Signature of Complainant

JAY JOHNSON

Sworn to before me and subscribed in my presence, *by telephone.*

December 8, 2020

Date

at

Cheyenne, Wyoming

City and State

HON. KELLY H. RANKIN

Chief United States Magistrate Judge

Name & Title of Judicial Officer


Signature of Judicial Officer

**SWORN STATEMENT IN SUPPORT OF CRIMINAL COMPLAINT
SPECIAL AGENT JAY JOHNSON
U.S. v. ANTHONY JEFFREY BROCHU**

1. Your Affiant, Jay S. Johnson, is a federal law enforcement officer and a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice. Your Affiant is currently assigned to the District of Wyoming and has been employed by ATF since March 12, 2000. Prior to that, your Affiant was employed as a Special Agent by the United States Air Force Office of Special Investigations, for eight years.

2. This affidavit is based upon information your Affiant has gained through training and experience, as well as upon information related to your Affiant by other individuals, including law enforcement officers. The information contained in this affidavit is submitted for the limited purpose of establishing probable cause for the requested criminal complaint and arrest warrant and does not contain all of the information known to the Affiant about this case. Your Affiant has reason to believe Anthony Jeffrey Brochu, a felon, possessed a firearm on October 29, 2020, in Park County, within the District of Wyoming. Anthony Brochu having previously been convicted in the Fifth Judicial District Court in Park County, Wyoming, of Possession of Controlled Substance, 3rd offense, a felony, sentenced on June 5, 2019.

3. On October 29, 2020, at approximately 1352 hours, Officers Steven Bassett and Eric Wright made contact with Anthony Jeffrey BROCHU at Albertsons, located at 1825 17th Street in Cody, Wyoming. BROCHU, an Albertson's employee, had an active Probation and Parole arrest and hold sanction against him.

4. On the way to the manager's office in Albertson's, Officer Bassett observed BROCHU walk from a back room. Officer Bassett identified himself to BROCHU and advised he had an arrest and hold sanction from Probation and Parole. Officer Bassett placed BROCHU

in handcuffs and prior to searching, asked if he anything illegal or sharp on his person. BROCHU said he had something illegal but refused to tell Officer Bassett what it was. Officer Bassett was concerned BROCHU might have drugs, a needle or other sharp object on his person. Officer Bassett advised BROCHU if he took anything illegal into the Detention Center it would result in a felony charge. BROCHU refused to tell Officer Bassett anything so he continued his search and located a handgun (Tisas, Model Zigana K, 9mm pistol, serial number T0620-15D00541) in BROCHU's waistband, near his belt buckle. Officer Bassett asked BROCHU if the handgun was loaded, in a holster, and if the safety was on. BROCHU said the handgun was loaded, not in a holster and the safety was on. Officer Bassett removed the handgun from BROCHU's waistband, removed the full magazine and cleared the round from the chamber. Officer Bassett also found two CRKT folding pocket knives he took for safekeeping as well.

5. Officer Bassett transported BROCHU to the Park County Detention Center and provided him a copy of the Probation and Parole arrest and hold paperwork.

6. BROCHU's comment about having something illegal in his possession stood out to Officer Bassett, so he researched BROCHU's criminal history and learned BROCHU is a firearms disqualified convicted felon. Officer Bassett noted BROCHU was convicted on June 5, 2019, in Park County District Court for felony possession of controlled substance, 3rd offense. Officer Bassett arrested BROCHU for felon in possession of a firearm, in violation of Wyoming State Statute 6-8-102(a).

7. On November 24, 2020, your Affiant obtained a certified copy of BROCHU's felony conviction from the Fifth Judicial District Court in Park County, Wyoming, for possession of controlled substance, 3rd offense, dated June 5, 2019.

8. On November 24, 2020, your Affiant also received booking information from the Park County Sheriff's Office, Cody, Wyoming, corresponding to BROCHU's most recent Cody

Police Department arrest for the Probation and Parole arrest and hold sanction. Your affiant also received records from BROCHU's April 27, 2018 arrest by the Powell Police Department for drugs-misdemeanor-unlawful possession of controlled substance and interference with a peace officer that led to his June 5, 2019, felony conviction.

9. On November 24, 2020, your Affiant confirmed with Agent Tracy Morris, Wyoming Department of Corrections, Probation and Parole Agent Office in Cody, Wyoming, that BROCHU was under her supervision. Agent Morris provided your Affiant a copy of BROCHU's Arrest and Sanction, listing probation violations. Agent Morris verified to your Affiant that BROCHU was a felon under her supervision.

10. On December 7, 2020, your Affiant determined the Tisas, Model Zigana K, 9mm pistol, serial number T0620-15D00541, was manufactured by Tisas in Turkey.

11. Based on the foregoing, your Affiant believes Anthony Jeffrey Brochu has committed a violation of Title 18 United States Code, Sections 922(g)(1) namely, knowing possession of a firearm, having previously been convicted of a felony offense, as such requests that a criminal complaint and arrest warrant be issued against Anthony Jeffrey Brochu I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

END OF SWORN STATEMENT

PENALTY SUMMARY

DEFENDANT NAME: ANTHONY JEFFREY BROCHU

DATE: December 8, 2020

INTERPRETER NEEDED: No

VICTIM(S): Yes

OFFENSE/PENALTIES: 18 U.S.C. §§ 922(g)(1) and 924(a)(2)
(Felon in Possession of a Firearm)

0-10 Years Imprisonment
Up To \$250,000 Fine
3 Years Supervised Release
\$100 Special Assessment

AGENT: Jay Johnson, ATF

AUSA: Timothy J. Forwood, Assistant United States Attorney

ESTIMATED TIME OF TRIAL: 1 to 5 days

WILL THE GOVERNMENT SEEK DETENTION IN THIS CASE: Yes

ARE THERE DETAINERS FROM OTHER JURISDICTIONS: No